

DEVELOPMENT CONTROL COMMITTEE

27 June 2012 at 2.30 pm

Present : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Mrs Bower, Mrs Bowyer, R. Brown, Charles, Evans, Mrs Goad, Haymes, Maconachie (substituting for Councillor Mrs Hazlehurst), Oliver-Redgate (substituting for Councillor Bower), Mrs Stainton and Steward.

79. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bower, Mrs Hazlehurst, McDougall and Northeast.

80. DECLARATIONS OF INTEREST

Councillor Haymes declared a personal interest in Agenda Item 8, Planning Applications Y/9/12 and Y/48/11 as the Chairman of Yapton Parish Council. He stated that he had taken no part in any deliberations on the items and that he intended to speak on Application Y/48/11.

81. MINUTES

The Minutes of the meeting held on 30 May 2012 were approved as a correct record and signed by the Chairman.

82. PLANNING APPLICATIONS

*(Prior to consideration of the following application, Councillor Haymes declared a personal interest and remained in the meeting and took part in the vote.)*

Y/9/12 – Proposed attached garage, Flint Cottage, Bilsham Road, Yapton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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*(Prior to consideration of the following application, Councillor Haymes declared a personal interest and remained in the meeting and took part in the debate and vote.)*

Y/48/11 – Demolition of existing public house and erection of 14 dwellings, including 2 affordable dwellings with associated works. (Departure from the Development Plan), The Lamb Inn, Bilsham Road, Yapton Having received a report on the matter, together with the officer's written report update detailing an additional condition relating to windows; correction of typographical errors; and a consultation response from the Estates Surveyor, the Committee also received verbal advice from the Planning Team Leader on a recent appeal decision at the Woodgate Centre. That appeal decision had found the Council was unable to demonstrate a robust 5 year land supply for housing and the built up area boundaries in Policy GEN2 were out of date.

Members participated in a full debate which centred around the loss of a historic building at the gateway to the village; the proximity of the development to another historic building, Well House; two vehicular entrances to the site on Bilsham Road; that the front doors of those dwellings on Bilsham Road opened directly onto the road; questioning whether The Lamb Inn could be run as a going concern; that the proposal would result in the worsening of flooding in the area; and was an overdevelopment of the site.

On the officer recommendation for approval being put to the vote, it was declared LOST.

The Committee then participated in further discussion and received advice from the Strategic Development Planner and the Planning Solicitor that, if it was minded to refuse the application, Members must be able to substantiate the reasons for refusal by providing clear evidence at the time of determination that could be presented at appeal.

A motion was put forward and duly seconded that the application be deferred to enable officers to prepare a report detailing viable and justifiable reasons for refusal but on being put to the vote, this was declared LOST.

A further motion was put forward and duly seconded that the application be deferred to give officers the opportunity to negotiate with the applicant the areas of concern that had been raised by Members. It was clarified that Members were not so concerned about retaining The Lamb Inn as a viable business.

Following consideration, the Committee

RESOLVED

That the application be deferred to enable officers to enter into discussions with the applicant to address the concerns of the Committee with regard to:-

- Overdevelopment of the site
- The design of some of the dwellings where the entrances abut the public highway
- An unneighbourly impact on Well House
- The loss of The Lamb Inn and its historic value

PA/32/10 – Change of use from old unused part of tarmac road to the siting of one showmans mobile home as a dwelling. This application also falls within the Parish of Angmering. (This is a departure from the Development Plan) [This application falls within the South Downs National Park Authority], Land north of Water Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing an amendment to condition 2 and an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

LY/6/12 – Extension and alterations to adjoining buildings, Brooklawn, Lyminster Road, Lyminster Having received a report on the matter, together with the officer's written report update detailing an amendment to the reason for refusal, the Committee

RESOLVED

That the application be refused as detailed in the report and officer report update.

LY/7/12/L – Application for Listed Building consent for extension and alterations to adjoining buildings, Brooklawn, Lyminster Road, Lyminster Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

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*(Prior to consideration of the following application, Councillor Mrs Bowyer declared a personal interest as a member of Littlehampton Town Council.)*

LU/69/12 – To raise a 24m width of the existing boundary fence to the rear of the property by 3m, The Keystone Youth Centre, Eldon Way, Wick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

*(Prior to consideration of the following application, Councillor Mrs Bowyer declared a personal interest as a member of Littlehampton Town Council and the District Council as this was a joint development between the two Councils. She remained in the meeting and took part in the debate and vote.)*

LU/116/12/NMA – Application for a non-material amendment following a grant of planning permission LU/283/11 to move door from corner of west elevation to adjacent corner on north elevation, Southfields Sports Fields, Southfields Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/49/12 – Loft extension to rear and dormer for additional bedroom. Front roof to be gable end, 60 Langbury Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FP/66/12 – Conversion of existing two storey store/outhouse to from dwelling, 74A Felpham Road, Felpham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/71/12 – 4 No. detached houses with new access, R/O Beaumaris, Stapleford & Holyrood, Sylvan Way, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional information, the Committee was reminded by the Planning Team Leader that this site did have planning permission for a nursing home which entailed the demolition of the three dwellings fronting the site.

In considering the application, Members expressed concerns that this was an overdevelopment of the site which would adversely impact the character of the area. Further concern was raised that, by knocking down the two existing garages to enable access to the site, car parking problems in the locality would be exacerbated and it would have an unneighbourly effect on those existing two houses.

Comments were made in respect of the insufficient garden sizes of the proposed dwellings, the backland location, use of garden land and adverse impacts on biodiversity.

On being put to the vote, the Committee did not accept the officer recommendation to approve the application and the Strategic Development Planner sought clarification from Members as to their reasons should the Committee be minded to refuse the application.

The Committee then

RESOLVED

That the application be refused for the following reason:-

The proposal to erect 4 dwellings is considered to be an overdevelopment of the site which will give rise to an unneighbourly form of development which is out of keeping with the established character of the area in conflict with the NPPF and Policy GEN7 of the Arun District Local Plan.

BN/7/12 – Outline application with some matters reserved for up to 44 No. dwellings including 30% affordable, comprising of a mix of 2-4 bed houses with associated landscaping and works (This application is a Departure from the Development Plan), Land north of Yapton Road & east of Garden Crescent, Barnham Having received a report on the matter, together with the officer's written report update detailing issues around the draft Local Plan, the recently received appeal decision at The Woodgate Centre and advice on the issue of Prematurity, the Committee participated in a full debate on the matter.

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In detailed consideration of the item, a view was put forward that this was a premature application and should be not determined at this point in time. Issues raised against approving the proposal included:-

- The Council had only received one relevant Inspector's decision since the publication of the NPPF and its Housing Land Supply Statement in May. In the past, Inspectors had had different opinions on this matter so it was not considered that the conclusions of one Inspector should be considered final
- The site was very much in the countryside and outside the built up boundary
- The application should not be determined until a Neighbourhood Plan was in place
- Whilst acknowledging that 44 units might not substantially or be so great as to prejudice the DPD (Development Plan Document) the argument was made that it would be the cumulative effect of determining several small developments that would have a substantial effect on the much wider area
- A planning application on this site was withdrawn in 2006 and an appeal dismissed – nothing had changed to warrant anything other than a refusal.
- Serious concerns were raised regarding foul and surface water drainage and flooding and the comments from Southern Water and the Environment Agency included in the report only highlighted those concerns.
- Members had received advice that the Council had an adequate supply of housing land and that policies GEN2 and GEN3 with compliant with the NPPF.

A number of these issues were addressed by officers at the meeting and it was emphasised that, with regard to Southern Water and the Environment Agency (EA), if Members wished to contest those views, then they must provide good reasons and evidence to support that. Officers also stated that the EA had sought to defend similar reasons on a scheme directly opposite this application site and had been found not to be able to provide sufficient evidence at appeal to dismiss the proposals. Members were also reminded that this was an outline application - it was the general principle of development being established and the full details of the application would be determined at a later date.

The Strategic Development Planner confirmed that the recent Inspector's decision confirmed that the Council only had a maximum of 78% housing land supply and that GEN2 and GEN3 were out of date or superseded by the NPPF. He also confirmed that this decision was the only significant decision received following the publication of the NPPF and was

therefore a significant material consideration. The very strong recommendation from the Strategic Development Planner was that a reason for refusal on the grounds of flooding and drainage could not be defended at any subsequent appeal. He also reminded Members that, in considering the proposals immediately to the north of this application site, the Committee had not raised an objection in respect of policies GEN2 or GEN3 and to do so now would be inconsistent.

Members suggested that they wanted to seek confirmation from the experts that the proposals would not result in any detriment to flood risk or drainage capacity, and proposals were premature until such confirmation was received and new or improved drainage infrastructure was required to be in place before proposals were considered.

A proposal was put forward and duly seconded that the application should be deferred on the grounds of prematurity but, following advice from the Strategic Development Planner and the Planning Solicitor, this was withdrawn.

The Chairman requested Members to turn their attention to the recommendation on the table and, following the vote, this was declared LOST.

The Committee was clearly minded to refuse the application and the Strategic Development Planner then requested that Members put forward their comments to enable officers to formulate reasons for refusal.

The Committee

RESOLVED

That the application be refused for the following reasons:-

(1) The local planning authority do not consider that the proposals can provide an acceptable foul and surface water sewage proposal that will not result in adverse impacts on capacity of infrastructure and flooding in the area. The proposals are contrary to policy GEN9 and GEN 11 of the Arun District Local Plan and policy NRM5 of the South East Plan.

(2) The proposal, being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or disposal of waste, conflict with policies GEN2, GEN3 of the Arun District Local Plan which seeks to protect the countryside, safeguard agricultural land, and ensure that the amount of land taken for

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development is kept to a minimum, consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.

(3) The applicant indicates that a number of the proposed dwellings would be affordable housing but no Section 106 undertaking has been completed to secure the provision of affordable housing for the long term including socially rented housing. The proposed development therefore conflicts with policy DEV17 of the Arun District Local Plan.

(4) The development proposed generates a need for public infrastructure in the form of financial contributions towards play facilities, libraries and fire service. No Section 106 undertaking has been completed in order to secure these requirements and the development therefore conflicts with policy GEN8 of the Arun District Local Plan.

AB/71/11 – Demolition of existing garage and erection of 1 No. 4 bed dwelling with ancillary garage and double garage to serve 74 & 76 Canada Road, 74/76 Canada Road, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/34/12 – Conservatory to rear and side walls. Porch to front entrance door and realignment of existing boundary wall, 44 Merryfield Crescent, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AL/25/12 – Small extension to the height of boundary walls, infill wall and new low pitched roof to form garage to serve dwelling approved under AL/30/11, 27 Belle Meade Close, Woodgate, Aldingbourne Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AL/34/12 – Application for removal of condition 3 of previously approved planning application AL/65/91, Evergreens, Level Mare Lane, Eastergate Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

83. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 2 appeals that had been heard.

84. DEED OF VARIATION TO PLANNING OBLIGATION ATTACHED TO BN/27/09, PROPOSAL FOR 95 DWELLINGS ON LAND AT ANGELS & HYDE NURSERY, YAPTON ROAD, BARNHAM

The Strategic Development Planner advised the Committee by way of this report that Barnham Parish Council and the appellant (West Sussex County Council) sought to redirect the agreed contribution of £80,000 for provision of off-site play space improvements to the provision of community facilities under Planning Application BN/3/09, which was for a replacement village hall and 8 dwellings.

Following consideration, the Committee

RESOLVED

That the Solicitor to the Council, in consultation with the Assistant Director of Planning and Economic Regeneration, be authorised to complete the Deed of Variation to change the requirement for the open space contribution to be directed to provision of community facilities in accordance with planning permission BN/3/09.

(The meeting concluded at 5.45 pm)